

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

STATE OF OKLAHOMA, <i>et al.</i> ,)	
)	
<i>Plaintiffs,</i>)	
)	
v.)	Case No. 4:05-cv-00329-GKF-PJC
)	
TYSON FOODS, INC., <i>et al.</i> ,)	
)	
<i>Defendants.</i>)	

**CARGILL DEFENDANTS' MOTION FOR ADDITIONAL TIME TO PRODUCE
EXPERT FATE AND TRANSPORT REPORT AND INTEGRATED BRIEF IN
SUPPORT**

EXPEDITED CONSIDERATION REQUESTED

Defendants Cargill, Inc. and Cargill Turkey Production, LLC (“Cargill Defendants”) respectfully move the Court for a one-week extension to prepare the fate and transport expert report. Under the Court’s current scheduling order [Dkt. #1805], this expert report is due today, January 23, 2009. Cargill Defendants have been and will continue to be diligent in the preparation of this responsive expert report. However, for the reasons discussed below, even diligent efforts will be insufficient to complete the necessary work by today.

Under the requested extension, the deadline for Cargill Defendants’ fate and transport expert report would be extended one week to January 30, 2009. This extension would not alter the other deadlines in the Court’s scheduling order. Further, the January 30, 2009, deadline coincides with the final deadline for submission of the other defense non-damage expert reports. Counsel for Cargill Defendants have contacted counsel for Plaintiffs and sought Plaintiffs’ consent to this extension. Plaintiffs have advised that they oppose the requested extension.

Cargill Defendants' expert and counsel need additional time to complete this expert report because Defendants' responsible counsel was attending a conference in the nation of India until 48 hours ago. Counsel has been unable to provide necessary assistance to the expert for completion of the report in proper form for delivery.

A scheduling order may be changed "for good cause and with the judge's consent." Fed. R. Civ. P. 16(b)(4). For the foregoing reasons, Defendants respectfully submit a one-week delay is warranted given the importance of the expert reports in this case and given the unavoidable scheduling conflicts cited. Moreover, the short extension will extend the deadline for submitting the fate and transport expert report no further than the January 30, 2009, final deadline set for the remaining expert reports. Thus, the short extension requested is not expected to prejudice Plaintiffs.

Dated: January 23, 2009

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on the 23rd day of January, 2009, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

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